

## **Minutes of the Special and Regular City Council Meeting of August 26, 2003.**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue.**

### **SPECIAL MEETING/ STUDY SESSION**

#### **CALL TO ORDER, 7:05 P.M.**

Councilmembers Present: Feierbach, Metropulos, Bauer, Wright

Councilmembers Absent: Warden

Staff Present: City Attorney Savaree, City Manager Kersnar, Assistant City Manager Rich, Community Development Director Ewing, City Clerk Cook

### **Housing Endowment and Trust of San Mateo County (HEAT - SMC)**

Community Development Director Ewing stated that the City of Belmont was being asked to participate in the Housing Endowment and Trust (HEAT) consortium for San Mateo County. He also stated that the County had made a contribution of \$3 million towards a goal of \$100 million to be raised to build affording housing projects throughout the County. He clarified that Belmont could participate either as a member of the Joint Powers Authority (JPA) board, or on one of its subcommittees. He also clarified that Belmont's share of the estimated yearly costs would be approximately \$10,000 to \$15,000, depending upon the number of cities participating. He stated that the expenditure would need to be made from the Council Contingency fund, and that Redevelopment monies could not be used for this purpose.

**Yiaway Yee**, legislative aide to County Supervisor Rich Gordon, clarified that the Board of Supervisors recently allocated \$75,000 towards the startup fees, which will lower the cost for each participating city. He also clarified that the JPA would ultimately decide upon the yearly administrative costs.

**Arne Croce**, City Manager, San Mateo, stated that HEAT was formed to provide a partnership between cities, nonprofit, and private entities as a way to secure funds from trusts and other sources in order to create affordable housing units in the County.

In response to Council questions regarding participation by Hillsborough, Mr. Croce stated that this consortium might provide an opportunity for cities to contribute monies for projects elsewhere in the County, but that the participating members of the JPA would need to set up their own

regulations. He also clarified that these projects could provide workforce housing for a wide variety of positions throughout the County. Mr. Croce also stated that the intent was to provide a pool of money to be used by builders and other developers, and other entities such as nonprofits, for the purchase of land and other costs associated with building housing projects. He also clarified that Belmont's contribution could be under \$5,000 for the first year.

In response to a question by Councilmember Bauer regarding the use of Redevelopment monies for Belmont's participation, City Manager Kersnar clarified that because the monies would be spent for projects outside the Redevelopment Agency, those funds could not be allocated for this purpose.

**Laura Peterhans**, Peninsula Interfaith Action, spoke in support of this program, which would provide flexible funding opportunities for housing projects.

**Christopher Mohr**, Executive Director, Housing Leadership Council, also spoke in support of the program.

**Margaret Neuffer**, League of Women Voters, stated that the League supported the program, and encouraged Belmont's participation.

**Karyl Eldridge**, Peninsula Interfaith Action, and active in HEAT, spoke in support of program, and stated that it gives an opportunity for cities to work regionally to provide affordable housing throughout the County.

**ADJOURNMENT** at this time, being 7:27 P.M., this Study Session was adjourned.

Terri Cook

City Clerk

## **REGULAR CITY COUNCIL MEETING**

### **CALL TO ORDER, 7:35 P.M.**

### **ROLL CALL**

Councilmembers Present: Feierbach, Warden, Bauer, Metropulos, Wright

Staff Present: City Manager Kersnar, City Attorney Savaree, Assistant City Manager Rich, Community Development Director Ewing, City Engineer Phalen, City Clerk Cook.

### **Pledge of Allegiance**

Led by City Clerk Cook.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Greg Lizak**, Bishop Road, spoke regarding City contributions to the San Juan Canyon Trust. He read the goal of the Trust, and stated that to date, the Trust has spent \$50,000 but has not purchased any land. He further stated he was developing a web site to provide information on the Canyon.

**Mary Ridge**, Hiller Street, stated her opposition to the cancellation of the election, and spoke regarding the information on the Atrium flyer she and others had prepared. She stated that people are being censored and not allowed to speak. She commented on previous statements made by Councilmember Warden.

At this time, Councilmember Warden made a motion for contempt regarding the incorrect accusations of the speaker.

City Attorney Savaree explained the exercise of a point of personal privilege motion, and that the Mayor could call a recess.

Councilmember Warden stated that he wished to exercise a point of personal privilege. Mayor Wright requested that Mrs. Ridge finish her comments in ten seconds.

**Mrs. Ridge** added that voters should be able to vote for whom they want.

**Bianca and Jenna Cirimele, and H. Witherington**, students of Ralston Middle School, stated that they had collected over 1000 signatures on a petition to eliminate a pictorial display on a truck at the Carlmont Shopping Center.

Mayor Wright congratulated the speakers on their efforts, regardless of the outcome.

Councilmember Bauer commended the speakers for the courage and bravery to stand up for what they believe.

Councilmember Metropulos stated that this effort was an example of good things that teens do.

Councilmember Feierbach stated that she had signed the petition, and that sometimes people are afraid to speak out.

City Manager Kersnar stated that the City is very limited on any actions that can be taken on this matter, and City Attorney Savaree clarified that there are constitutionally-guaranteed free speech issues that have caused other cities to lose their cases against the owner of the truck.

Councilmember Warden suggested that the Council consider a resolution of support for the effort of the speakers, but one that would not legislate the actions of the truck owner.

**George Kranen**, Notre Dame Avenue, spoke regarding the lack of noticing from the Mid-Peninsula Water District for a water tank project that is currently under way in his neighborhood. He also stated that the City should have a public works commission.

**Marianne Walsh-Cunningham**, Malcolm Avenue, expressed her disappointment regarding the cancellation of the election. She stated that the cost of the election was not important, and that Councilmember Warden should have recused himself from voting on the issue.

City Attorney Savaree reviewed the elections code section that allows cities to cancel an election if there are exactly the number of nominees as there are open seats. She stated that several cities in the Bay Area had cancelled elections.

Councilmember Feierbach stated that other candidates could have run for election, but chose not to.

Councilmember Metropulos stated that if someone had stated that they wished to be a write-in candidate, he would have voted differently, but no one did.

Councilmember Bauer agreed with Councilmember Metropulos. He also stated that prior to being involved in City issues, he used to find out about issues after the fact. When he started paying attention, he became educated on various matters.

Councilmember Warden stated that initially he was not going to run for re-election, but that people encouraged him to do so. He clarified that he has

made no promises to anyone, and that he will try to do his best for the City. He also stated that he would not tolerate personal attacks, and that if anyone thinks he has done a bad job, they can tell him, and he will step down.

Mayor Wright stated that he agreed with Councilmembers Metropulos and Bauer, and he too would have voted differently had a potential write-in candidate had come forward. He also stated that the Council has a fiduciary responsibility.

**Nick Falcon**, Casa Bona Avenue, commented regarding the potholes on Ralston. City Manager Kersnar advised that the contract for resurfacing had been let and that work would begin in a few weeks.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

**Councilmember Metropulos** reminded everyone that school was open and urged people to exercise caution when driving. He also announced the upcoming Greek Festival to be held on Labor Day Weekend.

**Councilmember Bauer** advised that he was forwarding a packet to the Council which contained information on legislative actions taken and pending, including SB2, authored by Senator Burton, affecting healthcare.

**Councilmember Feierbach** congratulated the Chamber of Commerce on its recent Community Faire.

**Mayor Wright** reminded the public that staff reports were available electronically on the Web site beginning Friday prior to Council meetings.

**Councilmember Bauer** announced the Visioning workshop to be held on September 6 at Notre Dame de Namur University.

### **CONSENT CALENDAR**

**Approval of** meeting minutes: Regular Meeting of July 22, 2003.

**Approval of** Warrant List Dated: July 18, 2003 combined report in total amount of \$189,464.18 and dated July 25, 2003 in total amount of \$677,902.03 and dated August 1, 2003 in total amount of \$334,692.63 and dated August 8, 2003 in total amount of \$777,593.84 and dated August 15, 2003 in total amount of \$167,434.12.

**Acceptance of** Written Communication 1) Received 8/11 Notice of (A) Voting record date and deadline, (B) Hearing to consider confirmation of plan of reorganization under Chapter 11 of the Bankruptcy code for PG&E and (C) Deadline for filing objections to confirmation Case No. 01-30923DM.

**Motion to** approve Claims Management Report.

**Approval of** Resolution 9459 Authorizing City Manager to Execute Professional Service Agreement with Randall Funding and Development to Perform Grant Writing and Funding Services.

**Approval of** Resolution 9460 Making Appointment to the Arts Commission for a Term to Expire on the First Day of March 2005. (K. Torrans)

**Approval of** Resolution 9461 Granting Comcast of California IX, Inc. a Franchise Extension to December 31, 2003 to operate a Cable TV System in Belmont during Franchise Renewal Negotiations.

**Approval of Motion** Calling for a Public Hearing on September 23, 2003 to Consider Extending the Underground Utility District on Old County Road to include Belmont parcels fronting onto unincorporated San Mateo County section of Old County Road.

**Approval of** Resolution 9462 Authorizing the City Manager to execute an Office of Traffic Safety Grant Agreement for an Automated GIS-based Traffic Collision Database in the amount of \$42,600.

**Approval of** Resolution 9463 Approving an Agreement between the City/County Association of Governments and the City of Belmont for Bus Route Repair/Maintenance Program.

**Approval of** Resolution 9464 approving amendment to City Attorney Contract.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Metropulos, the Consent Agenda was unanimously approved by a show of hands.

## **OLD BUSINESS**

### **Belmont Visioning Project - Discussion of Draft Vision Themes.**

Community Development Director Ewing outlined the work of the seven Visioning Committees over the summer months. He stated that each of the

committees has developed a list of themes, and reviewed the commonalities of some of the themes. He also stated that the Editing Committee will draft a vision statement following Community Vision Saturday on September 6, and through feedback received at the Art & Wine Festival and through the City's Web site.

In response to a request from Councilmember Feierbach, Community Development Director Ewing stated that he would distribute some background information on the 29 themes developed by the committees. Councilmember Feierbach commented that technology was absent from the themes, and suggested it be incorporated into the process.

Councilmember Bauer thanked the committee members for their work.

Councilmember Metropoulos stated that he attended some of the meetings, and everyone was participating fully.

Councilmember Warden stated that this was a community-driven process, not Council-driven.

Mayor Wright stated that the visioning process has gone very well, and he congratulated the committees for their work.

### **Consideration of a Resolution Amending the Neighborhood Traffic Calming Program.**

City Manager Kersnar stated that the proposed amendments to the program were based on previous Council discussion and direction. He stated that the biggest change was in the definition of core street and affected areas. He clarified that the revised regulations required the signature of two-thirds of the residents on the core street in order to begin the petition process, and that approval for permanent installation would include the core street plus the affected area, a 90 percent response rate, and a two-thirds positive vote of those responding. He also clarified that the affected area would include cul-de-sacs and side streets that need to use the core street for access, plus a 300' radius of other feeder streets.

Councilmember Feierbach said she did not think that residents should have to pay for installation, and suggested creating a line item in the budget to help pay for this program. City Manager Kersnar responded that these projects are expensive, and he did not want to create a false expectation that the City would be able to fund permanent installation. He added that residents might choose to pay for the program if there was no other funding available. Councilmember Feierbach stated that the City has a responsibility

to help with traffic calming, and suggested incorporating language to that effect.

Councilmember Bauer stated that he agreed with Councilmember Feierbach, and that he was uncomfortable with requiring residents to pay for this program.

City Manager Kersnar stated that language could be added which would allow flexibility for potential funding sources. Council concurred.

**Action:** On a motion made by Councilmember Feierbach, seconded by Councilmember Warden, Resolution 9465 Amending the Neighborhood Traffic Calming Program, modified to include flexible funding language in Section 6 on Page 27 of the Program, was unanimously approved by a show of hands.

### **Setting the Biannual Council Priority Calendar (Step One: Public Input and General Direction).**

Assistant City Manager Rich reviewed the Priority Calendar process and purpose. He clarified that tonight's step was the first in a three-part procedure for prioritizing special projects. He stated that there were 22 projects to rank, three of which were new, and that the new items were all designated for the Community Development Department. He clarified that Council could add or drop other items as desired.

**Steve Gross and George Burgess**, Hallmark Drive and Read Avenue, requested the Council make the review of the City's sign ordinance a high priority because of a pending donation of an electronic scoreboard for the Belmont Sports Complex. They recognized the violation of the sign ordinance because of advertising on the scoreboard. They clarified that the existing scoreboard is small and doesn't always work.

**John Canepa**, Winding Way, San Carlos, stated that he is working with Safeco to provide the scoreboard. He stated that there is an urgency to make the ordinance change in order to install the new board in time for the Spring season. He clarified that the scoreboard is available for soccer.

In response to Council questions, Mr. Canepa reviewed the areas on the scoreboard that were available for advertising, and that the advertising monies flow to the sports teams. He also clarified that a timer for soccer is not included. He also stated that the existing scoreboard has maintenance problems, which was well known among the coaches. Parks and Recreation



Director Mittelstadt responded that he reviewed the maintenance log of the existing scoreboard, but is not aware that there are maintenance issues.

City Manager Kersnar clarified that this issue would involve input from both the Parks and Recreation and Planning Commissions.

Councilmember Warden stated that more information is needed regarding this issue, and suggested that the scoreboard could be upgraded to include a timer.

Mayor Wright stated that soccer referees never use the timer on the scoreboard.

Council discussion ensued regarding clarification of a number of other items on the priority list. Councilmember Warden recommended dropping the Performing Arts Center from the list. Council concurred.

Councilmember Bauer recommended keeping Options for Energy Independence on the list to rank.

Councilmember Feierbach recommended dropping Exceptions to Development Standards from the list, and advocated for modifications to the tree ordinance.

Mayor Wright stated that site planning for the Emmett House property needs to be ranked high, since the move of the Emmett House is imminent.

Council concurred to take the following Agenda items out of order for consideration on the current Priority Calendar cycle:

### **ITEMS TAKEN OUT OF ORDER:**

### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

#### **Discussion and direction regarding red-lining curbs when hazardous conditions exist (Feierbach).**

Councilmember Feierbach stated that Belmont's narrow streets create site-line problems, and suggested initiating a petition process for neighborhoods to request red-lining of their street when appropriate. Council concurred to add this to the list of items for prioritization.

#### **Consideration of policy for purple residential curbs (Warden).**

Councilmember Warden described a residential parking program he observed during a recent trip to Montana, which utilized purple curbs to designate local residential parking only. He suggested this system might be useful for the high traffic areas in Belmont. Council concurred to add this to the list of items for prioritization.

## **NEW BUSINESS**

### **Consideration of a Resolution authorizing the City of Belmont's participation in the San Mateo County Housing and Endowment Trust (HEAT-SMC).**

Community Development Director Ewing stated that following the earlier presentation, Belmont's first-year membership fee would be \$5,000 to \$10,000, and that this amount would likely be higher in subsequent years. He stated that it was likely the JPA agreement would have an opt-out clause should the City wish to withdraw in the future.

In response to Council questions, the Community Development Director clarified that the contribution is for administrative costs only. The City Manager also clarified that the use of RDA funds was not an option, since projects would be outside the RDA boundaries.

**Yiaway Yee**, legislative aide to Supervisor Gordon, confirmed that the JPA agreement contains a withdrawal clause.

Councilmember Feierbach stated that she would prefer to wait a year, because she had concerns regarding Hillsborough's plan to pay to build their share of housing elsewhere in the County. She stated that cities should build their fair share.

Mayor Wright stated that Councilmember Feierbach's concerns are the reason to be at the table now, because Belmont could help craft the program at the front end.

Councilmember Metropulos stated he shares Councilmember Feierbach's concern, but is willing to try the program. He also stated he would lobby for teachers, firefighters, and police personnel.

Councilmember Bauer stated he agreed with the Mayor.

Councilmember Warden stated that he believed in the goal of HEAT, that Belmont does not have a deficit or a surplus of low-income housing, and that

it doesn't need the money. He commented that he was willing to support the program.

Councilmember Feierbach questions stated that if police and teachers could qualify for the housing, she could support the program. Community Development Director Ewing clarified that police officers don't often meet the threshold, but that teachers do, as do other police personnel. He also stated that there is a potential for partnerships with Notre Dame de Namur University.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Bauer, Resolution 9466 Authorizing the City of Belmont's Participation in the San Mateo County Housing and Endowment Trust (HEAT-SMC) was unanimously approved by a show of hands.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS (continued)**

**Warren Gibson**, San Juan Canyon Preservation Trust, clarified that some board members of the Trust served on the Open Space Recreation Task Force, but that others stepped aside. He clarified that the Trust was operating frugally, and that it had been unable to find a part-time Executive Director for the \$20,000 it had budgeted for that position. He stated that he was taking on the role on a volunteer basis, so the Trust did not need the \$20,000 earmarked from the City. He clarified that the Trust has \$50,000 in its current budget, and that it was looking for land to purchase.

**Bianca and Jenna Cirimele, and H. Witherington**, students of Ralston Middle School (and who spoke at the earlier Public Comment section), stated that some cities have enacted a law that prohibits pornography near schools, and that they would like the Council to consider such legislation. They also stated that they had spoken to the owner of Carlmont Shopping Center who advised them that because of the private/public nature of the business, they would need to shut down for one entire day in order to eliminate the truck from the property, which they were not willing to do.

City Attorney Savaree clarified that this type of legislation regulated adult businesses, and that the signs in question are not considered pornography. She further clarified that cities cannot limit free speech, even if deemed provocative.

**ADJOURNMENT** at this time being 9:50 P.M.

Meeting Audio and Video Recorded

Tape No. 561

Terri Cook

City Clerk